

2016 -- H 7937

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC TRANSIT-- POWERS
AND DUTIES OF THE AUTHORITY

Introduced By: Representatives Slater, Naughton, Barros, Tobon, and Diaz

Date Introduced: March 11, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-18-4 of the General Laws in Chapter 39-18 entitled "Rhode
2 Island Public Transit Authority" is hereby amended to read as follows:

3 **39-18-4. Powers and duties of the authority.** -- ~~(a) The authority is hereby authorized~~
4 ~~and empowered:~~

5 ~~(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;~~

6 ~~(2) To adopt an official seal and alter the seal at pleasure;~~

7 ~~(3) To maintain an office at such place or places within the state as it may designate;~~

8 ~~(4) To sue and be sued in its own name, plead and to be implead; provided, however,~~

9 ~~that any and all actions against the authority shall be brought only in the county in which the~~
10 ~~principal office of the authority shall be located;~~

11 ~~(5) To acquire, purchase, hold, use, and dispose of any property, real, personal, or mixed,~~
12 ~~tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes~~
13 ~~of the authority, and, to lease as lessee or lessor any property, real, personal or mixed, or any~~
14 ~~interest therein for such term and at such rental as the authority may deem fair and reasonable,~~
15 ~~and to sell, transfer, convey, mortgage, or give a security interest in any property, real, personal,~~
16 ~~or mixed, tangible or intangible, or any interest therein, at any time acquired by the authority;~~

17 ~~(6) To employ, in its discretion, planning, architectural, and engineering consultants,~~
18 ~~attorneys, accountants, construction, financial, transportation, and traffic experts and consultants,~~

1 ~~superintendents, managers, and such other officers, employees, and agents as may be necessary in~~
2 ~~its judgment, and to fix their compensation;~~

3 ~~(7) (i) To fix from time to time, subject to the provisions of this chapter, schedules and~~
4 ~~such rates of fare and charges for service furnished or operated as in its judgment are best adopted~~
5 ~~to insure sufficient income to meet the cost of service; provided, however, the authority is not~~
6 ~~empowered to operate a passenger vehicle under its control in competition with passenger~~
7 ~~vehicles of a private carrier over routes which the private carrier operates pursuant to a certificate~~
8 ~~of public convenience and necessity issued to the private carrier by the division of public utilities~~
9 ~~and carriers; and provided further that the authority shall not require any person who meets the~~
10 ~~means test criteria as defined by the Rhode Island Department of Elderly Affairs and who is~~
11 ~~either sixty five (65) years of age, or over, or who is disabled to pay more than one half (1/2) of~~
12 ~~any fare for bus rides; provided, however, that under no circumstances shall fares or charges for~~
13 ~~special service routes be discounted. Any person who is either sixty five (65) years of age, or~~
14 ~~over, or who is disabled, who does not satisfy the means test criteria as heretofore provided, shall~~
15 ~~only be required to pay one half (1/2) of the fare or charge for bus rides during off peak hours,~~
16 ~~but shall not be eligible for a reduction during peak hours. For the purposes of this chapter, "peak~~
17 ~~hours," "off peak hours" and "special service routes" shall be determined annually by the~~
18 ~~authority. The authority, in conjunction with the department of human services, shall establish an~~
19 ~~advisory committee comprised of seniors/persons with disabilities constituent users of the~~
20 ~~authority's services to assist in the implementation of this section;~~

21 ~~(ii) Any person who accompanies and is assisting a person with a disability when the~~
22 ~~person with a disability uses a wheelchair shall be eligible for the same price exemptions~~
23 ~~extended to a person with a disability by subsection (7)(i). The cost to the authority for providing~~
24 ~~the service to the elderly shall be paid by the state;~~

25 ~~(iii) Any person who accompanies and is assisting a passenger who is blind or visually~~
26 ~~impaired shall be eligible for the same price exemptions extended to the passenger who is blind or~~
27 ~~visually impaired by subsection (7)(i). The cost to the authority for providing the service to the~~
28 ~~elderly shall be paid by the state;~~

29 ~~(iv) The authority shall be authorized and empowered to charge a fare for any paratransit~~
30 ~~services required by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., in~~
31 ~~accordance with 49 C.F.R. Part 37.~~

32 ~~(8) To borrow money and to issue bonds of the authority for any of its purposes~~
33 ~~including, without limitation, the borrowing of money in anticipation of the issuance of bonds or~~
34 ~~the receipt of any operating revenues or other funds or property to be received by the authority;~~

1 ~~and the financing of property to be owned by others and used, in whole or substantial part, by the~~
2 ~~authority for any of its purposes, all as may from time to time, be authorized by resolution of the~~
3 ~~authority; the bonds to contain on their face a statement to the effect that neither the state nor any~~
4 ~~municipality or other political subdivision of the state shall be obligated to pay the same or the~~
5 ~~interest thereon;~~

6 ~~(9) To enter into management contracts for the operation, management, and supervision~~
7 ~~of any or all transit properties under the jurisdiction of the authority, and to make and enter into~~
8 ~~all contracts and agreements necessary or incidental to the performance of its duties and the~~
9 ~~execution of its powers under this chapter;~~

10 ~~(10) Without limitation of the foregoing, to borrow money from, to receive and accept~~
11 ~~grants for or in aid of the purchase, leasing, improving, equipping, furnishing, maintaining,~~
12 ~~repairing, constructing, and operating of transit property, and to enter into contracts, leases, or~~
13 ~~other transactions with any federal agency; and to receive and accept from the state, from any~~
14 ~~municipality, or other political subdivision thereof, and from any other source, aid or~~
15 ~~contributions of either money, property, labor, or other things of value, to be held, used and~~
16 ~~applied only for the purposes for which the grants and contributions may be made;~~

17 ~~(11) To acquire in the name of the authority, by negotiated purchase or otherwise, on~~
18 ~~such terms and conditions and in such manner as it may deem proper, or by the exercise of the~~
19 ~~power of condemnation to the extent only and in the manner as provided in this chapter, such~~
20 ~~public and private lands, including public parks, playgrounds or reservations, or parts thereof, or~~
21 ~~rights therein, rights of way, property rights, easements, and interests as it may deem necessary~~
22 ~~for carrying out the provisions of this chapter; provided, however, that all public property~~
23 ~~damaged in carrying out the powers granted by this chapter shall be restored or repaired and~~
24 ~~placed in its original condition as nearly as practicable;~~

25 ~~(12) To contract with any municipality, public or private company or organization,~~
26 ~~whereby the authority will receive a subsidy to avoid discontinuance of service, and each~~
27 ~~municipality within the state is hereby authorized to make and enter into such contracts and to~~
28 ~~make, grant, or give to the authority a subsidy in such amount and for such period of time as it~~
29 ~~may deem advisable;~~

30 ~~(13) To operate service to nearby Massachusetts and nearby Connecticut terminals for~~
31 ~~the purpose of deboarding Rhode Island passengers at major traffic generating locations for the~~
32 ~~benefit of passengers and to board Rhode Islanders for the return trip, provided, however, that the~~
33 ~~authority operate closed door in Massachusetts and nearby Connecticut to and from its~~
34 ~~destination; and~~

1 ~~(14) To do all things necessary, convenient, or desirable to carry out the purpose of this~~
2 ~~chapter.~~

3 ~~(b) To effectuate the purposes of this chapter the authority shall have the following~~
4 ~~duties:~~

5 ~~(1) To participate in and contribute to transportation planning initiatives that are relevant~~
6 ~~to the purposes of the authority;~~

7 ~~(2) To plan, coordinate, develop, operate, maintain and manage a statewide public transit~~
8 ~~system consistent with the purposes of the authority, including plans to meet demands for public~~
9 ~~transit where such demand, current or prospective, exceeds supply and/or availability of public~~
10 ~~transit services;~~

11 ~~(3) To work with departments, agencies, authorities and corporations of federal, state and~~
12 ~~local government, public and private institutions, businesses, non-profit organization, users of the~~
13 ~~system and other entities and persons to coordinate public transit services and provide a seamless~~
14 ~~network of mobility options. (a) The authority is hereby authorized and empowered:~~

15 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

16 (2) To adopt an official seal and alter the seal at pleasure;

17 (3) To maintain an office at such place or places within the state as it may designate;

18 (4) To sue and be sued in its own name, plead and to be implead; provided, however, that
19 any and all actions against the authority shall be brought only in the county in which the principal
20 office of the authority shall be located;

21 (5) To acquire, purchase, hold, use, and dispose of any property, real, personal, or mixed,
22 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes
23 of the authority, and, to lease as lessee or lessor any property, real, personal or mixed, or any
24 interest therein for such term and at such rental as the authority may deem fair and reasonable,
25 and to sell, transfer, convey, mortgage, or give a security interest in any property, real, personal,
26 or mixed, tangible or intangible, or any interest therein, at any time acquired by the authority;

27 (6) To employ, in its discretion, planning, architectural, and engineering consultants,
28 attorneys, accountants, construction, financial, transportation, and traffic experts and consultants,
29 superintendents, managers, and such other officers, employees, and agents as may be necessary in
30 its judgment, and to fix their compensation;

31 (7)(i) To fix from time to time, subject to the provisions of this chapter, schedules and
32 such rates of fare and charges for services furnished or operated as in its judgment are best
33 adopted to ensure sufficient income to meet the cost of service; provided, however, the authority
34 is not empowered to operate a passenger vehicle under its control in competition with passenger

1 vehicles of a private carrier over routes which the private carrier operates pursuant to a certificate
2 of public convenience and necessity issued to the private carrier by the division of public utilities
3 and carriers; and provided further that the authority shall not require any person who meets the
4 means test criteria as defined by the Rhode Island department of elderly affairs and who is either
5 sixty-five (65) years of age, or over, or who is disabled, to pay any fare or charge for bus rides
6 during peak hours; provided, however, that such exclusion for fares or charges shall not apply:

7 (A) To special service routes; and

8 (B) During periods and routes of overcrowded conditions. Any person who is either
9 sixty-five (65) years of age, or over, or who is disabled, and who meets the means test criteria as
10 heretofore provided, shall not be required to pay any fare or charge for bus rides during off-peak
11 hours, and any person who is either sixty-five (65) years of age, or over, or who is disabled, and
12 who does not satisfy the means test criteria as heretofore provided, shall only be required to pay
13 one-half (1/2) of the fare or charge for bus rides during off-peak hours. For the purposes of this
14 chapter, "overcrowded conditions," "peak hours," "off-peak hours" and "special service routes"
15 shall be determined annually by the authority. The authority shall establish an advisory committee
16 comprised of seniors/persons with disabilities constituent users of the authority's services to assist
17 in the implementation of this section;

18 (ii) Any person who accompanies and is assisting a person with a disability when the
19 person with a disability uses a wheelchair shall be eligible for the same price exemptions
20 extended to a person with a disability by subsection (7)(i) of this section. The cost to the authority
21 for providing the service to the elderly shall be paid by the state;

22 (iii) Any person who accompanies and is assisting a passenger who is blind or visually
23 impaired shall be eligible for the same price exemptions extended to the passenger who is blind or
24 visually impaired by subsection (7)(i) of this section. The cost to the authority for providing the
25 service to the elderly shall be paid by the state;

26 (iv) The authority shall be authorized and empowered to charge a fare for any paratransit
27 services required by the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., in accordance
28 with 49 C.F.R. Part 37.

29 (8) To borrow money and to issue bonds of the authority for any of its purposes
30 including, without limitation, the borrowing of money in anticipation of the issuance of bonds or
31 the receipt of any operating revenues or other funds or property to be received by the authority,
32 and the financing of property to be owned by others and used, in whole or substantial part, by the
33 authority for any of its purposes, all as may from time to time, be authorized by resolution of the
34 authority; the bonds to contain on their face a statement to the effect that neither the state nor any

1 municipality or other political subdivision of the state shall be obligated to pay the same or the
2 interest thereon;

3 (9) To enter into management contracts for the operation, management, and supervision
4 of any or all transit properties under the jurisdiction of the authority, and to make and enter into
5 all contracts and agreements necessary or incidental to the performance of its duties and the
6 execution of its powers under this chapter;

7 (10) Without limitation of the foregoing, to borrow money from, to receive and accept
8 grants for or in aid of the purchase, leasing, improving, equipping, furnishing, maintaining,
9 repairing, constructing, and operating of transit property, and to enter into contracts, leases, or
10 other transactions with any federal agency; and to receive and accept from the state, from any
11 municipality, or other political subdivision thereof, and from any other source, aid or
12 contributions of either money, property, labor, or other things of value, to be held, used and
13 applied only for the purposes for which the grants and contributions may be made;

14 (11) To acquire in the name of the authority, by negotiated purchase or otherwise, on
15 such terms and conditions and in such manner as it may deem proper, or by the exercise of the
16 power of condemnation to the extent only and in the manner as provided in this chapter, such
17 public and private lands, including public parks, playgrounds or reservations, or parts thereof, or
18 rights therein, rights-of-way, property rights, easements, and interests as it may deem necessary
19 for carrying out the provisions of this chapter; provided, however, that all public property
20 damaged in carrying out the powers granted by this chapter shall be restored or repaired and
21 placed in its original condition as nearly as practicable;

22 (12) To contract with any municipality, public or private company or organization,
23 whereby the authority will receive a subsidy to avoid discontinuance of service, and each
24 municipality within the state is hereby authorized to make and enter into such contracts and to
25 make, grant, or give to the authority a subsidy in such amount and for such period of time as it
26 may deem advisable;

27 (13) To operate service to nearby Massachusetts and nearby Connecticut terminals for the
28 purpose of deboarding Rhode Island passengers at major traffic generating locations for the
29 benefit of passengers and to board Rhode Islanders for the return trip; provided, however, that the
30 authority operate closed door in Massachusetts and nearby Connecticut to and from its
31 destination; and

32 (14) To do all things necessary, convenient, or desirable to carry out the purpose of this
33 chapter.

34 (b) To effectuate the purposes of this chapter the authority shall have the following

1 duties:

2 (1) To participate in and contribute to transportation planning initiatives that are relevant
3 to the purposes of the authority;

4 (2) To plan, coordinate, develop, operate, maintain and manage a statewide public transit
5 system consistent with the purposes of the authority, including plans to meet demands for public
6 transit where such demand, current or prospective, exceeds supply and/or availability of public
7 transit services;

8 (3) To work with departments, agencies, authorities and corporations of federal, state and
9 local government, public and private institutions, businesses, nonprofit organization, users of the
10 system and other entities and persons to coordinate public transit services and provide a seamless
11 network of mobility options.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC TRANSIT-- POWERS
AND DUTIES OF THE AUTHORITY

- 1 This act would remove the Rhode Island transit authority's bus fare adjustments enacted
- 2 in fiscal year 2016 budget.
- 3 This act would take effect upon passage.

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